



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,568	05/16/2001	Chul Hwa Paik	HAHA-0218	4095

23123 7590 04/25/2005
SCHMEISER OLSEN & WATTS
18 E UNIVERSITY DRIVE
SUITE # 101
MESA, AZ 85201

EXAMINER

REFAI, RAMSEY

ART UNIT PAPER NUMBER

2154

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/859,568	Applicant(s) PAIK ET AL.	
	Examiner Ramsey Refai	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Responsive to amendment received on January 14, 2005.

Claims 1, 2, and 6 have been amended. Claims 3-5 have been canceled.

Claims 1, 2, and 6 are pending examination.

Response to Arguments

2. Applicant's arguments with respect to claim 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claim 1 is objected to because of the following informalities:

In lines 7-9, "a log-in ID of the CHmail server, an IP address/host name, and a port number for identifying a chatting attempter inserted in a header of the e-mail" will be taken as "a log-in ID of the CHmail server, an IP address/host name, and a port number *inserted in a header of the e-mail, for identifying a chatting attempter*"

In claim 6, "attempting chatting" will be taken as "attempting to chat"

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 rejected under 35 U.S.C. 103(a) as being anticipated by Bernstein et al (U.S. Patent Publication No. 2004/0128356) in view of Paarsmarkt et al (U.S. Patent No. 6,118,856) and in further view of Ngo (U.S. Patent No. 6, 292, 900).

6. As per claim 1, Bernstein et al show a system of simultaneously executing e-mailing and chatting, comprising:

a pair of web browsers of a sender and a receiver (paragraph [0013])

Internet contacting units for contacting to the web browsers (Claim 15, and paragraph [0053]) and;

an e-mail server for sending-receiving of e-mail between the sender and the receiver (paragraph [0021 and 0031]); and

CHmail(chatting-mailing) server (Figure 1, server 100) for simultaneously executing emailing and chatting between the sender and the receiver through identifying means for identifying a chatting attempter (paragraphs [0015 – 0016]) in a header of the e-mail (paragraph [0123]).

7. Bernstein et al fail to show the use of post office protocol emailing and a log-in ID of the CHmail server, an IP address/host name and a port number inserted in the header of the e-mail.

8. However, Paarsmarkt et al show a system using Post Office Protocol 3 (POP3) email format (column 4, lines 40-60). It would have been obvious to one of the ordinary skill in the art to combine the teachings of Bernstein et al and Paarsmarkt et al because Paarsmarkt et al's use of Post Office Protocol email formats would allow a user in Bernstein et al's system to view email anytime the user wants on a personal computer, even if the user is not connected to the Internet.

9. Ngo et al teach inserting an IP address, a port number and security credentials into an IP header (column 7, lines 20-31 and column 5, lines 28-38). It would have been obvious to one of the ordinary skill in the art to combine the teachings of Bernstein et al, Paarsmarkt et al, and Ngo et al because Paarsmarkt et al's use of Post Office Protocol email formats and Ngo et al's use of inserting an IP address, a port number and security credentials into an IP header would allow identification of a user and direct the email to the appropriate destination.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bernstein et al (U.S. Patent Publication No. 2004/0128356) in view of Ngo (U.S. Patent No. 6, 292, 900) and in further view of Apfel et al (U.S. Patent No. 6,405,225), and yet in further view of Paarsmarkt et al (U.S. Patent No. 6,118,856).

11. As per claim 2, Bernstein et al show a method of simultaneously executing e-mailing and chatting, comprising the steps of:

framing an e-mail after turning on (inherent, a program needs to be turned on in order to function) a CHmail program that simultaneously executes e-mailing and chatting (paragraph [0015 - 0016]);

attempting a chat with an e-mail sender by the e-mail receiver (paragraph [0015-0016]);

sending the e-mail to an e-mail receiver (paragraph [0015-0016])

confirming a response of the e-mail sender (paragraph [0016]; second user accepts invitation)

chatting between the e-mail sender and the e-mail receiver using a chat client programs in each computer of them (paragraph [0015-0016])

wherein, when there is no response of the e-mail sender for a chat attempt by the chat sender, the above method further comprises the steps of:

confirming on/off status of the computer of the e-mail sender(the chat receiver);

successively attempting chatting when the computer of the chat receiver is an "on status

automatically informing the chat receiver of the chat attempt through the CHmail server when the computer of the chat receiver is an "off status" (paragraph [0017 - 0018]; presence detection),

12. Bernstein et al fail to show granting a port number by a server; inserting a log-in ID of the server, an IP address/host name, and the port number into a header of the e-mail; and wherein, if the e-mail sender sent the e-mail to a C.C. (carbon copy) receiver as well as the e-mail receiver, it is possible that the communication between the e-mail sender and receiver is executed together with the C.C. receiver at the same time or the use of post office protocol emailing.

Art Unit: 2154

13. Ngo et al teach granting port numbers (column 7, lines 5-34), inserting an IP address, a port number and security credentials into an IP header (column 7, lines 20-31, and column 5, lines 28-38).

14. Apfel et al shows that the carbon copy (C.C.) data field is used for the purpose of transmitting the email message to other parties besides the addressee (column 11, line 63 – column 12, line 8).

15. Paarsmarkt et al show a system that uses Post Office Protocol 3 (POP3) email format (column 4, lines 40-60).

16. It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention^o to combine the teachings of Bernstein et al, Ngo et al, Apfel et al, and Paarsmarkt et al. Ngo et al's use of granting port addresses and header information that contains IP address, port number and log-in ID of server, Paarsmarkt et al use of post office protocol and Apfel et al use of carbon copy in Bernstein et al's method would allow a sender to send a chat request via email to multiple users.

17. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bernstein et al (U.S. Patent Publication No. 2004/0128356) in view of Cybul et al (U.S. Patent No. 6,246,997) in further view of Apfel et al (U.S. Patent No. 6,405,225) and yet in further view of Ngo et al (U.S. Patent No. 6,292,900).

18. As per claim 6, Bernstein et al shows a method using simultaneously executing e-mailing and chatting at the same time between an user and host on the Internet shopping mall, comprising the steps of:

sending the e-mail to the host using the CHmail program simultaneously executing e-mailing and chatting at the same time after selecting goods (paragraph [0015-0016]);

attempting chatting with the user by the host using the CHmail program; confirming a response of the user (paragraph [0015-0016]); and

chatting between the user and the host using the chat client programs in each computer of them (paragraph [0015-0016]);

wherein, when there is no response of the user for a chat attempt by the host, the above-captioned method further comprises the steps of:

confirming on/off status of the computer of the user; successively attempting chatting when the computer of the user is an "on status"; and automatically alarming the chat attempt to the user when the computer of the user is an "off status" and automatically alarming the chat attempt to the chat receiver through the CHmail server when the computer of the chat receiver is an "off status" (paragraph [0017 - 0018]; presence detection),

19. Bernstein et al fail to show a log-in ID of the CHmail server, an IP address/host name and a port number inserted in the header of the e-mail, contacting to the Internet shopping mall by the user, confirming whether the user is shopping mall member or not; registering the user as a member if not the member and wherein, if the user sent the e-mail to a C.C. receiver as well as the host, it is possible that the communication between the user and host is executed together

with the C.C. receiver at the same time, and it is possible to change parts of the user and the host from each other, namely, chatting attempt may be executed by the user to get goods information.

20. However, Cybul et al shows contacting to the Internet shopping mall by the user (column 3, line 67 – column 4, line 15) confirming the user whether he is shopping mall member or not; registering the user as a member is not the member (column 2, lines 5 – 16).

21. Apfel et al shows that the carbon copy (C.C.) data field is used for the purpose of transmitting the email message to other parties besides the addressee (column 11, line 63 – column 12, line 8).

22. Ngo et al teach granting port numbers (column 7, lines 5-34), inserting an IP address, a port number and security credentials into an IP header (column 7, lines 20-31 and column 5, lines 28-38).

23. It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention to combine Berstein et al, Cybul et al, Apfel et al, and Ngo et al because Cybul et al's use of verifying membership on an e-commerce site with Apfel et al's use of carbon copy, and Ngo et al's use of granting port addresses and header information that contains IP address, port number and log-in ID of server in Berstein et al's method would allow for members of an internet e-commerce business the ability to request to multiple online store managers to communicate in real-time regarding goods desired for purchase online.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

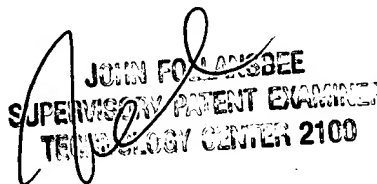
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2154

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey Refai
Examiner
Art Unit 2154

RR
April 7, 2005


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100